



Practitioner's Docket No. 17396/09057

REC'D 1/6/05
RCE 1/6/05
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jawed Asrar, et al.

Application No.: 10/081,023

Group No.: 1616

Filed: February 22, 2002

Examiner: Alton N. Pryor

Confirmation No.: 2905

For: Method of Improving Yield and Vigor of Plants by Treatment with Diazole, Triazole and Strobilurin-Type Fungicides

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) (37 C.F.R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature _____

Date: December 6, 2004

Mim Voet

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

TIME REQUEST IS BEING MADE

2. This request is being submitted:

ENCLOSURES

3. Enclosed herewith is:

a Response to Office Action Under 37 C.F.R. §1.114 (9 pages)

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of other than small entity.

Continued Prosecution Request Fee: 790.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE
TOTAL	37	—	63 = 0 x \$ 18.00 = \$ 0.00
INDEP.	1	—	8 = 0 x \$ 88.00 = \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			
		+	\$ 300.00 = \$ 0.00
			TOTAL ADDIT. FEE \$ 0.00

No additional fee for claims is required.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$790.00
Fee(s) for additional claims (Section 1.16(b)-(d))	\$0.00
 Total Fee(s) Due:	 \$790.00

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

Check is attached for the sum of \$790.00.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 50-2548.

INVENTORSHIP

9. This application as amended names as inventors the same inventors as previously designated for the claims.

Date: December 6, 2004

Reg. No.: 35,124

Telephone No.: 864-250-2238

Facsimile No.: 803-255-9831

Customer No.: 27530

Signature of Practitioner

Charles E. Dunlap

Nelson Mullins Riley & Scarborough, LLP

P. O. Box 11070

Columbia, SC 29211



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/081,023 CONFIRMATION NO. 2905
APPLICANT : Jawed Asrar *et al.*
FILED: : February 22, 2002
TC/A.U. : 1616
EXAMINER : Alton N. Pryor
DOCKET NO. : 17396/09057
CUSTOMER NO. : n/a
DEPOSIT ACCT. NO. : 50-2548

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. §1.114

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

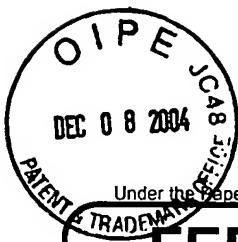
This is filed in response to the Office Action of October 6, 2004, and is filed concurrently with a Request for Continued Examination and the fees required for such Request. Please amend the above-identified application as follows:

There are no **Amendments to the Specification**.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

There are no **Amendments to the Drawings**.

Remarks/Arguments begin on page 7 of this paper.



DEC 08 2004

Approved for use through 07/31/2006. OMB 0651-0032
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEET TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 790.00

Complete if Known

Application Number	10/081,023
Filing Date	02/21/2002
First Named Inventor	Jawed Asrar, et al.
Examiner Name	Alton N. Pryor
Art Unit	1616
Attorney Docket No.	17396/09057

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
50-2548
Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395			Utility filing fee	
1002 350	2002 175			Design filing fee	
1003 550	2003 275			Plant filing fee	
1004 790	2004 395			Reissue filing fee	
1005 160	2005 80			Provisional filing fee	
SUBTOTAL (1)		(\$) .00			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$) .00

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	790.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)** 790.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Charles E. Dunlap, Esq.	Registration No. (Attorney/Agent)	35,124	Telephone	864-250-2238	
Signature					Date	December 6, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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PATENT

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In re application of: Jawed Asrar, Ernest F. Sanders and Yiwei Ding

Application No.: 10/081,023

Group No.: 1616

Filed: 02/21/2002

Examiner: Alton N. Pryor

Confirmation No.: 2905

For: METHOD OF IMPROVING YIELD AND VIGOR
OF PLANTS BY TREATMENT WITH DIAZOLE,
TRIAZOLE AND STROBILURIN-TYPE FUNGICIDES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the attached correspondence comprising:

1. Fee Transmittal (1 page – original and copy)
2. Request for Continued Examination (RCE) (37 C.F.R. § 1.114) (3 pages)
3. Response to Office Action Under 37 C.F.R. § 1.114 (9 pages)
4. Check in the amount of \$790.00 (1 page)
5. Return Receipt Postcard (1 page)

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 6, 2004.

Mim Voet

Signature of person mailing paper